

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IVAN R. FREITES et al., Plaintiffs, vs. PETRÓLEOS DE VENEZUELA, S.A., et al., Defendants.

Case No. 1:23-CV-00989-JLH

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MOTION TO LEAVE SEALED FILING OF THREATS RECEIVED BY A PLAINTIFF

Plaintiffs, acting *pro se*, respectfully move this Honorable Court for an order to LEAVE SEALED FILING OF THREATS RECEIVED BY A PLAINTIFF, and seal all subsequent filings. In support of this motion, Plaintiffs state as follows:

I. LEGAL STANDARD

The presumption of public access to judicial records is a cornerstone of the federal court system. However, this presumption is not absolute and can be overridden when a party demonstrates that disclosure would result in a clearly defined and serious injury. The Third Circuit mandates that the party seeking to seal documents must show that the interest in secrecy outweighs the public's right to access.

II. FACTUAL BACKGROUND

Plaintiffs filed this case under seal due to substantial and credible threats to their safety. Recently, one of the Plaintiffs received threats from a high-ranking Venezuelan official who has been implicated in international drug trafficking and money laundering. This drug trafficking and money laundering individual has been previously linked to one of the offenders who have conspired with Defendants against the integrity of the judicial process. Said Offender has a criminal record of his own as evidence provided to the court since May 30th, 2024 shows.

Several years ago the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) designated this high-ranking Venezuelan official for involvement in corruption. This official has held numerous influential positions, and according to the OFAC is known for drug trafficking, money laundering, and embezzlement of state funds.

III. ARGUMENT

A. Specific and Credible Threats to Plaintiffs.

Plaintiffs have received detailed threats, including risks of imprisonment, physical harm, and cyber harassment. These threats are directly linked to the high-ranking Venezuelan official designated by OFAC and his network. Given the documented threats, it is imperative to maintain the seal on the related filings to protect the Plaintiffs' safety. A relationship between one of the Offenders in D.I.54 and subsequent filings with the high-ranking OFAC sanctioned officer had been stated by the media time before the beginning of this action. The information to be filed underscores and confirms such presumed and previous relationship.

B. Balancing Public Access and Plaintiffs' Safety

While the presumption favors public access, it must be balanced against the potential harm to Plaintiffs. In this case, the harm to Plaintiffs from disclosure far outweighs the public's interest in immediate access to the sealed records. The detailed, documented threats necessitate maintaining the seal to safeguard Plaintiffs' safety.

C. Legal Precedent Supports Sealing

The Third Circuit's decision in **Publicker Industries, Inc. v. Cohen** and subsequent case law support a nuanced approach to sealing judicial records. The court must balance the public interest in access against the specific and substantial risks to the parties. Plaintiffs' request to seal is consistent with these standards.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully pray that the Court:

1. Grant Plaintiffs' motion to MOTION TO LEAVE SEALED FILING OF THREATS RECEIVED BY A PLAINTIFF.
2. Grant Plaintiffs' motion to seal D.I.54 and D.I.56 as well as all subsequent filings related to such documents.
3. Maintain the current protections in place to prevent further harm to Plaintiffs.

Respectfully submitted,

/s/ Jorge Alejandro Rodriguez

Jorge Alejandro Rodriguez

Eichholzstrasse 2,

6312 Steinhausen, CH

Lead Plaintiff JR

Plaintiff 2 IF

Plaintiff 3 EV

Plaintiff 4 AM

Plaintiff 5 MO

Plaintiff 6 PM

Plaintiff 7 JC

All % Eichholzstrasse 2,

6312 Steinhausen, Switzerland

Certificate of Service

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th of July 2024, I electronically filed the above document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered participants.

Respectfully submitted,

Date: 8th July 2024

/s/ Jorge Alejandro Rodriguez

Jorge Alejandro Rodriguez

Eichholzstrasse 2,

6312 Steinhausen, CH